

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIRK D. LEAPHART,

Plaintiff,

v.

VERDA TURNER,

Defendant.

Case Number 08-13584

Honorable David M. Lawson

Magistrate Judge Donald A. Scheer

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DISMISSING CASE WITH PREJUDICE**

Presently before the Court is the report issued on October 6, 2008 by Magistrate Judge Donald A. Scheer pursuant to 28 U.S.C. § 636(b), recommending that this Court grant the plaintiff's motion for voluntary dismissal with prejudice. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 5] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for voluntary dismissal [dkt # 4] is **GRANTED** and the plaintiff's complaint is **DISMISSED with prejudice**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 23, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 23, 2008

s/Felicia M. Moses
FELICIA M. MOSES